

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

**PINNACLE PACKAGING  
COMPANY, INC.,**  
an Oklahoma corporation,  
**POLO ROAD LEASING, LLC,**  
an Oklahoma limited liability company,  
and **J. SCOTT DICKMAN,**

Plaintiffs,

v.

**CONSTANTIA FLEXIBLES GmbH,**  
an Austrian corporation, and  
**ONE EQUITY PARTNERS  
(EUROPE) GmbH,**

Defendants.

Case No. 12-CV-537-JED-TLW

**JOINT MOTION TO AMEND SCHEDULING ORDER**

The parties jointly move the Court to amend the scheduling order [Dkt. 98] to extend the time necessary to complete expert discovery and to file related motions (but not to affect the trial date or any pre-trial deadlines). In support of this Motion, the parties state as follows:

1. The Scheduling Order, as amended, currently requires Plaintiffs to identify their expert witnesses and to provide their expert reports by 28 July 2015. Defendants' reciprocal obligations are due on 17 August 2015. The discovery completed so far is insufficient for the parties to prepare meaningful expert disclosures. If the parties were to adhere to the current schedule, they would be required to present amended reports at the conclusion of fact discovery. To avoid the expense of preparing initial reports, only to have them amended after the conclusion of fact discovery, the parties ask the Court to amend the scheduling order to push the expert discovery to the close of fact discovery. The parties also request a commensurate extension of dispositive motion deadlines. Neither Plaintiffs nor Defendants ask for pretrial or trial dates to be moved.

2. The parties now jointly request an extension of the following deadlines to allow adequate time to prepare this case for trial:

- a. 10/2/2015 Fact Discovery Cutoff (no change).
- b. Extend 7/28/15 to 10/9/15 Plaintiffs' expert identification and reports.
- c. Extend 8/17/15 to 10/30/15 Defendants' expert identification and reports.
- d. Extend 10/2/15 to 11/20/15 Expert discovery cutoff.
- e. Extend 11/2/15 to 12/30/15 Cutoff for dispositive motions and motions in limine.
- f. Extend 12/4/15 to 1/29/16 Dispositive motion response.
- g. Extend 12/18/15 to 2/18/16 Dispositive motion reply.
- h. 2/18/16 Deposition/Videotaped/Interrogatory designations (no change).
- i. 2/29/16 Counter-designations (no change).
- j. 3/7/16 Exchange of pre-marked exhibits (no change).
- k. 3/7/16 Pretrial disclosure (no change).
- l. 3/14/16 Objections to designations (no change).
- m. 3/14/16 Transcripts annotated with objections (no change).
- n. 3/14/16 Agreed proposed pretrial order (no change).
- o. 3/14/16 Final witness and exhibit list (no change)
- p. 4/4/16 Pretrial Conference at 2:30 p.m. (no change).
- q. 4/16/16 Requested jury instructions and voir dire (no change).
- r. 4/18/16 Trial Date [x] Jury at 9:30 a.m. (no change)

Wherefore, the parties jointly move to extend the deadlines set forth above to allow the parties to complete expert discovery and related motions, and to further prepare this case for the current trial date of April 18, 2016.

DATED: 20 July 2015

Respectfully submitted,

s/John D. Russell

John D. Russell, OBA No. 13343

GABLEGOTWALS

1100 ONEOK Plaza

100 W. Fifth Street

Tulsa, OK 74103

Telephone: (918) 595-4800

Facsimile: (918) 595-4990

*jrussell@gablelaw.com*

Marshall Fishman, *Pro Hac Vice*

Gabrielle Gould, *Pro Hac Vice*

Cheryl Howard, *Pro Hac Vice*

Aaron Lang, *Pro Hac Vice*

FRESHFIELDS BRUCKHAUS

DERINGER US LLP

601 Lexington Avenue, 31<sup>st</sup> Floor

New York, NY 10022

Telephone (212) 277-4000

Facsimile (212) 277-4001

*marshall.fishman@freshfields.com*

*gabrielle.gould@freshfields.com*

*cheryl.howard@freshfields.com*

*aaron.lang@freshfields.com*

**COUNSEL FOR DEFENDANTS**

and

s/Laurence L. Pinkerton

*(signed by Filing Attorney with permission of Attorney)*

Laurence L. Pinkerton, OBA No. 7168

PINKERTON LAW, P.C.

Penthouse Suite

15 East Fifth Street

Tulsa, Oklahoma 74103-4303

Telephone (918) 587-1800

Facsimile (918) 582-2900

*lpf@att.net*

**COUNSEL FOR PLAINTIFFS**

### **CERTIFICATE OF MAILING**

I do hereby certify that on 20 July 2015, a true, correct and exact copy of the above and foregoing document was served to those parties as listed below:

Laurence L. Pinkerton - *pf@att.net*  
PINKERTON & FINN, P.C.

**COUNSEL FOR PLAINTIFFS**

s/John D. Russell  
John D. Russell